

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

Dennis Dean Hale,)	
)	
Plaintiff,)	
)	
V.)	Case No. 10-3059-CV-SW-JTM
)	
Michael J. Astrue,)	
)	
Defendant.)	

ORDER

In a departure from the normal procedure in review of Social Security decisions in the Western District of Missouri, before filing his brief in support of his appeal, plaintiff filed his *Motion to Remand for Consideration Of Additional Medical Evidence and Incorporated Brief*, [Doc 8]. However, as set forth in the *Defendant's Response To Plaintiff's Motion To Remand For Consideration of Additional Medical Evidence And Incorporated Brief*, [Doc. 11] plaintiff's purported additional medical evidence is outside of the time period at issue in this appeal, and is from at least six months after the date of the ALJ's decision in this case which found that plaintiff was not entitled to disability benefits as of July 31, 2009. New evidence sufficient to justify a remand for additional finding must necessarily pertain to the same time period for which benefits were initially sought, rather than a later deterioration of a previously non-disabling condition after the date of the Commissioner's final decision. *Jones v. Callahan*, 122 F.3d 1148, 1154 (8th Cir. 1997); *Thomas v. Sullivan*, 928 F.2d 255, 260-61 (8th Cir. 1991); *Sullins v. Shalala*, 25 F.3d 601, 604-05 (8th Cir. 1994).

Accordingly, it is

ORDERED that plaintiff's *Motion to Remand for Consideration Of Additional Medical Evidence and Incorporated Brief*, [Doc 8] is **DENIED**. It is further

ORDERED that *Plaintiff's Motion For Extension Of Time*, filed April 12, 2011[Doc. 9] is **GRANTED**. Accordingly, plaintiff shall have up to and including June 3, 2011 in which to file his appeal brief.

/s/ John T. Maughmer

JOHN T. MAUGHMER
U. S. MAGISTRATE JUDGE